

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claim 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner has rejected the inclusion of the terms "1800E7," "1200E7" and "600E20" in claim 19, as non-limiting and indefinite. Applicants respectfully disagree with the finding of indefiniteness.

Applicants submit that the aforementioned terms have been incorporated into claim 19 to define the specific polyethylenimines from which the soil release polymers of the claimed invention may be selected. Applicants further submit that adequate support for said definition is found on page 49 of the specification of the instant application.

Applicants wish to underscore that such definition, via the inclusion of the aforementioned terms, is essential to the enablement of those skilled in the art to practice the claimed invention - in accordance with the same section upon which the instant rejection is based. Without said definition, those who wish to practice the claimed invention would be without knowledge as to which specific polyethylenimines constitute suitable soil release polymers of the claimed invention. Thus, withdrawal of the instant rejection and allowance of claims 1 and 12-31 are respectfully requested.

Rejection Under 35 U.S.C. §103

The Examiner has rejected claims 1, 12-18 and 20-31 under 35 U.S.C. §103(a) as being unpatentable over Ghosh et al (U.S. 5,858,948) in combination with Cuperus et al (WO 95/35362). Specifically, the Examiner asserts that it would have been obvious for a person of ordinary skill in the art to combine the detergent compositions with soil release benefits of Ghosh with the mannanase enzyme disclosure of Cuperus. Applicants respectfully disagree with the finding of obviousness. Ghosh relates to liquid laundry detergent compositions comprising water soluble and/or dispersible, modified polyamines having functionalized backbone moieties that provide cotton soil release benefits and protease enzymes. See Abstract of the Disclosure, U.S. 5,858,949. Cuperus relates to cleaning compositions comprising cell wall degrading enzymes having pectinases and/or hemicellulases and optionally cellulases. See Abstract of the Disclosure, WO 95/35362.

Applicants submit that Ghosh and Cuperus may not be properly combined to render the claimed invention obvious. As the Examiner has correctly noted, Ghosh fails to teach the mannanase enzyme of the claimed invention. See Paper No. 6; page 3. Moreover, the Examiner has appropriately noted that Cuperus fails to teach the cotton soil release polymer of the claimed invention. See Paper No. 6; page 3. Applicants submit that there exists no motivation or suggestion for a person of ordinary skill in the art to

combine the aforementioned references, and more particularly, to modify the Cuperus reference.

All motivation to modify Cuperus is removed by Cuperus' clear contemplation of soil removal agents. Cuperus explicitly discloses, "The present invention not only seeks to solve the problem of removing stains of vegetable origin, but it also aims to help remove soil and dirt..." See WO 95/353662; pages 3-4. As the reference clearly contemplated the employment of soil removal agents into the subject composition and yet explicitly endorsed the employment of the subject cell wall degrading enzymes, such as mannanase, for the removal of soil and dirt, there exists no motivation to modify the reference via the addition of the cotton soil release polymer of the claimed invention. Certainly, a person of ordinary skill in the art would not be motivated to modify Cuperus to achieve that which the reference purportedly accomplishes via the employment of the subject, cell wall degrading enzymes. Accordingly, Cuperus may not be properly combined with Ghosh to render the claimed invention obvious.

Before obviousness may be established, the Examiner must show that there is either a suggestion in the art to produce the claimed invention or a compelling motivation based on sound scientific principles. *Ex parte Kranz*, 19 U.S.P.Q.2d 1216, 1218 (B.P.A. I. 1990). Logic compels that the suggestion or motivation be accompanied by a general knowledge of the existence of art-recognized techniques for carrying out the proposed invention. Applicants submit that, although Cuperus discloses the employment of cell wall degrading enzymes for the removal of soil and dirt, the claimed invention's employment of a cotton soil release polymer in combination with a mannanase enzyme is *not* an art-recognized technique for laundering fabric. The mere fact that it is possible to find two isolated disclosures that might be combined in such a way to produce a new compound does not necessarily render such production obvious unless the art also contains something to suggest the desirability of the proposed combination. *In re Bergel and Stock*, 292 F.2d 955, 130 U.S.P.Q. 206 (C.C.P.A. 1961). Applicants submit that the cited art discloses *nothing* with regard to the desirability of the claimed invention's combination of a cotton soil release polymer with a mannanase enzyme.

When prior-art references require a selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. In light of the fact that neither Cuperus nor Ghosh suggest the desirability of the claimed invention's combination of a cotton soil release polymer with a mannanase enzyme, the

claimed invention is not rendered obvious over the cited art. Accordingly, withdrawal of the instant rejection and allowance of claims 1 and 12-31 are respectfully requested.

CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied documents and to place claims 1 and 12-31 in condition for allowance. WHEREFORE, reconsideration of the rejections of the claims, in light of the Remarks provided, and allowance of Claims 1 and 12-31 are respectfully requested.

Respectfully submitted,

By 

Richard S. Echler

Richard S. Echler, Sr.
Agent for Applicants
Registration No. 41,006
(513) 627-0079

May 16, 2001
Customer No. 27748